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BY ECF

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *In Re: New York City Policing During Summer 2020 Demonstrations*,
20-cv-8924 (CM)(GWG)

This filing is related to: *Hernandez, et al. v. City of New York, et al.*,
21-cv-7406 (CM)(GWG)

Your Honor:

I am co-counsel for Plaintiffs in *Hernandez, et al. v. City of New York, et al.*, which has been consolidated with *In Re: New York City Policing During Summer 2020 Demonstrations*, 20-cv-8924 (CM)(GWG) (the “Consolidated Action”) for discovery purposes.

On December 16, 2021, the parties met and conferred pursuant to Fed.R.Civ.P. 26(f). I now write jointly with counsel for Defendant City of New York to present the Court with the parties’ proposed discovery plan, which is modeled on the parties’ submission in *Gray, et al. v. City of New York, et al.*, 21-cv-6610 (CM)(GWG), Dkt. 294 in the Consolidated Action.

First, discovery shall begin immediately, including to allow Plaintiffs to identify the John and Jane Doe Defendants named in the Complaint as soon as possible. The parties entered into a stipulation on December 15, 2021, which the parties have requested that the Court “So Order”, agreeing that (1) both parties “may immediately seek and serve discovery, including third-party discovery, relating to the claims, defenses, and issues in *Hernandez*”; (2) all parties will abide by the Confidentiality Order entered as Docket 115 on the docket in the Consolidated Action; and (3) all discovery that has been and will be conducted in the consolidated cases will be deemed part of *Hernandez*, without the need for either party to re-disclose it, respecting any confidentiality designations that are in place. *See* Dkt. 333. The parties have separately agreed to abide by the Stipulation and Order Regarding Clawback Agreement entered as Docket 166 on the Consolidated Action docket. Additionally, the City will provide Plaintiffs’ counsel with the names of identifiable Doe Defendants on or before January 28, 2022.

Second, Plaintiffs shall promptly file an amended complaint substituting the true names of the Doe Defendants for their Doe placeholders as soon as initial discovery permits. The parties will confer regarding this amended complaint ahead of filing, and agreed that, provided the amendments relate solely to the identities of Doe Defendants, this filing will not change the City's deadline to respond. With respect to individual Doe Defendants who are later identified and are represented by counsel to the City, the Law Department will not oppose the assertion by Plaintiffs that their claims against such Doe Defendant relate back to the date on which Plaintiffs' original Complaint was filed for statute of limitations purposes.

Third, Defendant City, and any other Defendants who are currently served and represented by the Law Department, will file their responses to Plaintiffs' Complaint or Amended Complaint on or before February 14, 2022.

Fourth, the parties shall exchange initial disclosures on or before January 14, 2022.

Fifth, the parties shall abide by the discovery schedule in the Consolidated Action as to discovery relating to Plaintiffs' civil rights claims against Defendant City, in particular any discovery concerning the New York City Police Department's policies, practices, and training related to Legal Observers and others engaged in observing and/or recording police activity in public. Plaintiffs' counsel will coordinate with counsel in the Consolidated Action concerning affirmative discovery on those topics, and will avoid seeking duplicative discovery.

Sixth, subject to Your Honor's approval, fact discovery concerning Plaintiffs' individual claims related to their specific alleged assaults and/or arrests shall close three months after the close of fact discovery in the Consolidated Action.

Law Department counsel have received and consent to the filing of this letter.

All parties and counsel thank Your Honor for the Court's attention to this matter.

Respectfully submitted,

/S/

Gideon Orion Oliver